

RULE AND REGULATION 44

COMPLAINT REGISTERS

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Section 1. Purpose.

The purpose of this Rule is to establish minimum standards for complaint registers to be maintained by insurers, health maintenance organizations, and risk retention groups pursuant to provisions of the Trade Practices Act, Ark. Code Ann. §23-66-206(10) (Supp. 1987).

Section 2. Authority.

This Rule is issued pursuant to the authority vested in the Commissioner by Ark. Code Ann. §§23-61-108 (1987), 23-66-207 (1987), 23-76-125 (1987), 23-94-107 (Supp. 1987), 25-15-202 (1987), et seq., and other applicable provisions of Arkansas law.

Section 3. Applicability and Scope.

This Rule applies to all persons, to all insurance policies and insurance contracts, and to all contracts, certificates, subscriber agreements, or other evidences of coverage issued by insurers, health maintenance organizations, and risk retention groups where applicable.

Section 4. Effective Date.

The effective date of this Rule is March 1, 1989.

Section 5. Definitions.

- (a) "Complaint" means a written communication primarily expressing a grievance;
- (b) "Insurance Department Complaint" means a written communication regarding a complaint transmitted by the Arkansas Insurance Department; and
- (c) "Person" shall have the meaning as set forth in Ark. Code Ann. §23-66-203 (1987).

Section 6. Content of Complaint Registers.

Exhibit A of this Rule sets forth the minimum information required to be maintained in a person's complaint register in order for it to comply with Arkansas law. Refinements and additions to the information specified therein may, of course, be maintained in such complaint register. Exhibit B of this Rule contains an explanation of the various headings, codes and other notations contained in Exhibit A. The codes are used in order to simplify both the identification of the action underlying the complaint and the keeping of the records.

Section 7. Format of Complaint Registers.

Exhibit A is the suggested format for the complaint register required to be maintained by Arkansas law and this Rule. Refinements, deviations from or additions to this suggested format are permitted so long as the minimum information contemplated by such format can be obtained for Insurance Department review within a reasonable time following a request therefor by an authorized representative of the Department.

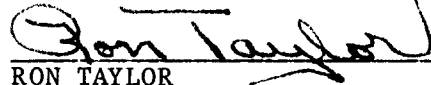
Section 8. Maintenance of Complaint Registers.

The complaint register shall be kept on a calendar year basis and the number of complaints by line of insurance, function, reason, disposition, and states of origin shall be compiled not less frequently than annually.

The complaint register required by this Rule shall be maintained commencing on and after sixty (60) days from the effective date of this Rule.

Section 8. Severability.

Any section or provision of this Rule held by a court to be invalid or unconstitutional will not affect the validity of any other section or provision of this Rule.



RON TAYLOR
INSURANCE COMMISSIONER

2-3-89

DATE